

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA:

V.

Case No. 09-179

MIRWAIS MOHAMADI :

MOTION FOR REASONABLE DETENTION CONDITIONS

MIRWAIS MOHAMADI, by and through counsel, hereby moves this Court to order reasonable conditions of detention so that Mr. Mohamadi can properly prepare for trial. Please consider the following:

1. This trial was scheduled to begin on October 13, 2009. Prior to that trial, Mr. Mohamadi voiced concerns about his mental condition and a competency evaluation was ordered.
2. That evaluation is now completed and a hearing on the final report is scheduled for December 11, 2009.
3. In the event the Court deems Mr. Mohamadi competent, then a trial date will presumably be set.
4. Mr. Mohamadi has urged his conditions of detention be modified and he be treated as a “pretrial detainee” rather than his current conditions—which are more akin to close to complete lock-down.
5. Mr. Mohamadi is still a pretrial detainee in this case and thus does have a Constitutional right to prepare for his case, review the evidence, be permitted reasonable phone calls and visits from family members and has a Sixth Amendment right to consult with counsel.

6. We ask for a hearing in the near future—we have suggested a date of December 18, 2009 so that we can fully address the particulars of these issues and the Court can consider his conditions of detention.

Mirwais Mohamadi

By Counsel

/_____
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Certificate

A copy of the foregoing was filed with the ECF system and the clerk will then send a notice of such filing to the United States Attorney, 2100 Jamieson Avenue, Alexandria Virginia on this 10th day of December, 2009.

/_____
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